THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.31245 of 1998

Dated: 28.11.2007

Between:

Smt.D.Suseelamma.

..... PETITIONER

AND

The Mandal Revenue Officer, Kanakel, Ananthapur District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.31245 of 1998

ORDER:

The petitioner, who allegedly inherited land admeasuring Acs.4.45 in survey No.166/2 situated at Nagepalli Village, hamlet of Thumbiganur, Kanekal Mandal, Anantapur District, from her mother, filed instant writ petition seeking a writ of Mandamus directing the respondents to pay compensation under the Land Acquisition Act, 1894 (the Act, for brevity).

The brief fact of the matter is that the land was owned by the mother of the petitioner and the same was acquired for public purpose for provision of house sites to the backward class people. A Notification under Section 4(1) of the Act and declaration under Section 6(1) of the Act were issued on 26.02.1981. The petitioner's mother filed W.P.No.4484 of 1981 assailing the same. By an order dated 24.01.1986, this Court set aside the declaration under Section 6(1) of the Act and directed the respondents to conduct enquiry under Section 5-A of the Act. Accordingly second respondent conducted enquiry on 08.09.1987, in which the petitioner's mother participated. After conducting enquiry, possession was taken on 29.10.1988. The petitioner alleges that thereafter in spite of number of notices, award was not passed and compensation was not paid.

Though the writ petition was admitted by this Court on 11.11.1998 and Rule Nisi was duly served on the respondents, counter-affidavit is not filed. The petition allegations remained uncontroverted. In spite of the same, this Court, however, is not able to record any finding regarding the truth or otherwise of the petition allegations. Therefore, it would be in the interests of justice to direct third respondent – District Collector, Ananthapur, to cause enquiry into the petition allegations and issue necessary directions. In case it is found that the entire extent of the petitioner's land in survey No.166/2 was acquired for provision of house sites, respondent Nos.2 and 3 shall immediately take necessary action for passing of award and payment of compensation. This Court also directs that in case of award being passed, the petitioner shall be entitled to additional compensation at the rate of 12% as per Section 23(1A) of the Act and interest at 9% per annum from the date of taking possession i.e., 29.10.1988. Respondent Nos.2 and 3 shall complete this exercise within a period of four months from the date of receipt of a copy of this order.

With the above observations, the writ petition is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

28th November, 2007
ghn